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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,020	02/12/2002	Bryan L. Ackerman	J 2961A	8089
28165	7590	10/12/2004	EXAMINER	
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236			CHEVALIER, ALICIA ANN	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/075,020

Applicant(s)

ACKERMAN ET AL.

Examiner

Alicia Chevalier

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 70 and 72-77.Claim(s) objected to: none.Claim(s) rejected: 1-69 and 78-83.Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6-11-02, 6-19-02
+ 9-8-03
10. ☐ Other: _____

Continuation Sheet

Continuation of 3. Applicant's reply has overcome the following rejection(s): the 35 U.S.C. 102 rejections of claims 70 and 74-77 over Carson et al. (U.S. Patent No. 6,391,806 B1).

Continuation of 5. because: It remains the Examiner's position that claims 1-69 and 78-83 unpatentable for reasons previously of record in the final office action.

Response to Applicant's Arguments

1. Regarding the copies of the PTO-1449s that Applicant has not received, copies for the 1449s for the Supplemental Information Disclosure Statement filed June 11, 2002, the Second Supplemental Information Disclosure Statement filed June 19, 2002 and the Ninth Supplemental Information Disclosure Statement filed September 8, 2003 have been attached to this communication.
2. Applicant's arguments in the response filed September 16, 2004 regarding the 35 U.S.C. 102 rejection of claims 70 and 74-77 over Carson et al. (I.S. Patent No. 6,391,801 B1) of record have been considered but are moot since the rejections have been withdrawn.
3. Applicant's arguments in the response filed September 16, 2004 regarding the 35 U.S.C. 102 and 103 rejections over claims 1-69 and 78-83 of record in paper 12, mailed October 8, 2003, and repeated in the office action mailed July 13, 2004 have been carefully considered but are deemed unpersuasive.

Applicant argues that Pawloski discloses an absorbent insert for food packages and does not disclose that an absorbent layer may be added to the second layer. Specifically Applicant argues that Pawloski only discloses that the second layer comprises a packaging film.

First, Applicant claim 1 essentially claims a substrate comprising a first thermoplastic ply, a first cellulosic ply, a second cellulosic ply and a second thermoplastic ply, where the first thermoplastic ply and first cellulosic ply constitute a first layer and the second thermoplastic ply and second cellulosic ply constitute a second layer. Second, the limitation "wherein the first layer is secured to the second layer such that a *portion* of the second surface area is laterally disposed outside of the first surface area," merely requires that one of the layers of the second layer, i.e. the second thermoplastic ply or second cellulosic ply, have a surface area that greater than the surface area or is offset from the first layer, i.e. the first cellulosic ply and the first thermoplastic ply. Third, Pawlowski discloses an absorbent insert comprising a top layer (first thermoplastic ply), two absorbent layers (first and second cellulosic plies) and a bottom sheet (second thermoplastic ply) (*Pawlowski col. 3, lines 43-68 and col. 4, lines 26-40*), where the top layer and the first absorbent layer are deemed to constitute a first layer and the second absorbent layer and the bottom sheet are deemed to constitute a second layer. Therefore, Pawloski discloses that the second layer comprises an absorbent layer. Furthermore, Pawlowski shows in figures 8 and 9 that a portion of the second surface area, i.e. the bottom sheet, is laterally disposed outside the first surface area, i.e. the top layer and the first absorbent layer.

Applicant arguments regarding the Tanizaki, Phillips and Komatsu references are merely briefly summarizes the references with the conclusion that the prior art does not disclose each of

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the elements recited by the claims at issue, therefore it flows that such claims are not anticipated thereby.

First, Applicant has failed to specifically point out how the references fail to meet the limitations of the instant claims. Applicant's summaries of the prior art do not point out, except for the Pawloski summarization, anything specific about what they fail to teach or why they would not be obvious. Second, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Third, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Finally, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

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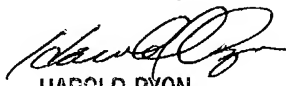
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac



10/5/04



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

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